

DATE

George W. Meyer, III
4968 Harbor Lane
Greenwell Springs, LA 70739

**Re: Docket No. 2022-196
Advisory Opinion**

Dear Mr. Meyer:

The Louisiana Board of Ethics, at its meeting on May 6, 2022, considered your request for an advisory opinion regarding the post-employment restrictions of the Code of Governmental Ethics ("Code") following your separation from employment with the Louisiana Housing Corporation.

FACTS PROVIDED

You were employed by the Louisiana Housing Corporation ("LHC") as a Housing Finance Specialist 3 in the HOME department. The HOME program is funded by United States Department of Housing and Urban Development ("HUD") to promote affordable housing for persons whose income was low-to-moderate. While employed with LHC, you participated in assisting real estate developers through the application process to receive funds to build or renovate housing units to rent or sell to persons whose income were low-to-moderate. You resigned from your employment on December 20, 2021.

You ask whether you can continue to help people through the application process as an unpaid consultant.

LAW

La. R.S. 42:1121B(1) prohibits a former public employee, for a period of two years following the termination of his public employment, from assisting another person, for compensation, in a transaction, or in an appearance in connection with a transaction in which such former public employee participated at any time during his public employment and involving the governmental entity by which he was formerly employed, or for a period of two years following termination of his public employment, render, any service which such former public employee had rendered to the agency during the term of his public employment on a contractual basis, regardless of the parties to the contract, to, for, or on behalf of the agency with which he was formerly employed.

La. R.S. 42:1102(18)(a) defines "public employee" to include anyone, whether compensated or not, who is (iii) engaged in the performance of a governmental function, or (iv) under the supervision or authority of an elected official or another employee of the governmental entity.

La. R.S. 42:1102(2)(a)(i) defines "agency" for public servants in the twenty principal departments of the executive branch of state government to mean the office in which such public servant carries out his primary responsibilities.

La. R.S. 42:1102(12) defines “governmental entity” to mean the state or any political subdivision which employs the public employee or employed the former public employee.

ANALYSIS

As an employee of LHC HOME Department, your agency for purposes of the Code is the LHC HOME Department, pursuant to La. R.S. 42:1102(2)(a), while your governmental entity is the State of Louisiana, pursuant to La. R.S. 42:1102(12).

La. R.S. 42:1121B(1) prohibits you, until December 20, 2023, from receiving compensation for (1) assisting a person in a transaction **in which you participated** at any time that involves the State of Louisiana; and from (2) rendering the same services that you provided while employed by LHC, on a contractual basis, to, for, or on behalf of the LHC HOME Department.

However, you are not prohibited from providing uncompensated services to persons in transactions in which you participated involving the State of Louisiana. Additionally, you are not prohibited from receiving compensation in connection with new transactions involving LHC.

CONCLUSION

The Board concluded, and instructed me to inform you, that the Code will not prohibit you from providing uncompensated services in a transaction or in an appearance in connection with a transaction involving the HOME Department of LHC.

This advisory opinion is based solely on the facts as set forth herein. Changes to the facts as presented may result in a different application of the provisions of the Code of Governmental Ethics. The Board issues no opinion as to past conduct or as to laws other than the Code of Governmental Ethics, the Campaign Finance Disclosure Act, the Lobbyist Disclosure Acts, and the conflict of interest provisions contained in the Louisiana Gaming Control Law. If you have any questions, please contact me at (800) 842-6630 or (225) 219-5600.

Sincerely,

LOUISIANA BOARD OF ETHICS

David M. Bordelon
For the Board